

# EXHIBIT B

**Smith, Elizabeth**

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**From:** owner-pec\_optum@listserv.motleyrice.com on behalf of Hatchett, Andrew  
<000000d007222360-dmarc-request@LISTSERV.MOTLEYRICE.COM>  
**Sent:** Monday, April 8, 2024 10:43 PM  
**To:** Singer, Linda; 'esi-opioids@quinnemanuel.com'; Optum Opioid Team; Boone, Brian;  
PEC-ESI-TEAM; 'pec\_optum@listserv.motleyrice.com'  
**Subject:** Re: 040524 Personal Jurisdiction Letter to Optum  
**Attachments:** image208297.png

I think you are still misunderstanding the sequence of discovery. But let's talk Wednesday at 4. Please send an invite.

Andrew Hatchett

ALSTON & BIRD  
1201 West Peachtree St. NE  
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+1 601 955 6002 (C)

andrew.hatchett@alston.com

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From: Singer, Linda <lsinger@motleyrice.com>  
Sent: Monday, April 8, 2024 9:30:33 PM  
To: Hatchett, Andrew <Andrew.Hatchett@alston.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>; Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>  
Subject: RE: 040524 Personal Jurisdiction Letter to Optum

EXTERNAL SENDER – Proceed with caution

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Andrew:

You have declined to provide jurisdictional discovery, both in meet and confers and in your discovery responses. (See, e.g., Optum's response to Discovery Request 1). That is the dispute.

Sincerely,  
Linda

[cid:image208297.png@27B43CB7.1CEE5FC]

Linda Singer (she / her)  
Attorney at Law

401 9th St. NW, Suite 630, Washington, DC 20004 o. 202.386.9626<tel:202.386.9626> f. 202.386.9622  
lsinger@motleyrice.com<mailto:lsinger@motleyrice.com>

-----Original Message-----

From: Hatchett, Andrew <Andrew.Hatchett@alston.com>

Sent: Monday, April 8, 2024 9:18 PM

To: Singer, Linda <lsinger@motleyrice.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>;  
Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>

Subject: Re: 040524 Personal Jurisdiction Letter to Optum

CAUTION:EXTERNAL

Linda,

Your email is incorrect. All of the UHG and Optum Defendant entities that joined the Rule 12(b)(2) motion to dismiss are participating in discovery, subject to the stipulated order confirming that they do not waive personal jurisdiction by doing so. They have responded to written discovery and the PEC has even selected custodians for some of them (and we have agreed to those custodians). I'll check with my calendar and my team and get back to you tomorrow on times. But I'm still not sure what the dispute is on the current record.

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From: Singer, Linda <lsinger@motleyrice.com>

Sent: Monday, April 8, 2024 8:09 PM

To: Hatchett, Andrew <Andrew.Hatchett@alston.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>; Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>

Subject: RE: 040524 Personal Jurisdiction Letter to Optum

EXTERNAL SENDER – Proceed with caution

Andrew,

Andrew:

We disagree with your characterization. There have been numerous meet and confers at which the PEC has requested discovery of these entities and Optum has refused. But you can certainly make your position clear in your response to SM Cohen.

We can be free Wednesday between 4 and 6 and, potentially, before 11. I am traveling the balance of the week.

Sincerely,  
Linda

[cid:image432486.png@DB921F43.0BF2E513]

Linda Singer (she / her)

Attorney at Law

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lsinger@motleyrice.com<mailto:lsinger@motleyrice.com>

-----Original Message-----

From: Hatchett, Andrew <Andrew.Hatchett@alston.com>

Sent: Monday, April 8, 2024 8:20 PM

To: Singer, Linda <lsinger@motleyrice.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>;  
Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>

Subject: Re: 040524 Personal Jurisdiction Letter to Optum

CAUTION:EXTERNAL

Linda,

We raised the facial challenge point on one meet and confer call more than three weeks ago. No one from the PEC disagreed or challenged our position. We certainly did not understand there to be a dispute of any sort. In fact, we thought our statement on the meet and confer clarified for the PEC that there was no need for jurisdictional discovery in connection with a facial challenge. Maybe now your telling me that we misread the room--and that's fine, we can continue to discuss. But there definitely have not been "repeated" conversations, and we have never had an opportunity to set forth our position in writing or understand what discovery you are even seeking. This is not ripe for review by Special Master Cohen.

I'm traveling today (and tomorrow), but if you send us some windows of time we'll look for some that work for our team.

Andrew Hatchett

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From: Singer, Linda <lsinger@motleyrice.com>  
Sent: Monday, April 8, 2024 6:46 PM  
To: Hatchett, Andrew <Andrew.Hatchett@alston.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>; Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>  
Subject: RE: 040524 Personal Jurisdiction Letter to Optum

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Counsel:

As we've explained, consistent with the MDL's prior orders and 6th Circuit law, discovery of the entities described in our letter is warranted even on a "facial" challenge to personal jurisdiction. You disagree and have declined, repeatedly, to provide any such discovery. We do not think that a further meet and confer is likely to be fruitful and will place the issue on the agenda for the next discovery hearing. To the extent that you think there is room for a resolution, we can meet and confer later this week, and if agreement can be reached then, we will remove the matter from the agenda. Please let us know if and when you would like to talk.

Sincerely,  
Linda

[cid:image507487.png@B71A8F2C.606B3FBF]

Linda Singer (she / her)

Attorney at Law

401 9th St. NW, Suite 630, Washington, DC 20004 o. 202.386.9626<tel:202.386.9626> f. 202.386.9622  
lsinger@motleyrice.com<mailto:lsinger@motleyrice.com>

-----Original Message-----

From: Hatchett, Andrew <Andrew.Hatchett@alston.com>

Sent: Monday, April 8, 2024 5:26 PM

To: Steele, Angelica <astele@motleyrice.com>; 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>; Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>

Cc: Singer, Linda <lsinger@motleyrice.com>

Subject: Re: 040524 Personal Jurisdiction Letter to Optum

CAUTION:EXTERNAL

Counsel,

We received your email and letter at close of business on Friday, asking for our response by close of business Monday. We discussed this on a meet and confer several weeks ago and explained our preliminary position that jurisdictional discovery is unwarranted given the nature of our motion to dismiss. Our motion raises a facial challenge, and we assume for purposes of our motion that all allegations in the complaint are true. The question is simply whether those allegations, taken and accepted as true, are legally sufficient to establish personal jurisdiction. The circumstances are also different from those presented in other 12(b)(2) motions brought by other defendants in the past.

We did not hear anything further from you for several weeks after our meet and confer call, until your letter late on Friday. We are willing to continue meeting and conferring on this issue, but would like to specifically understand your position and what jurisdictional discovery you think is appropriate given the scope of our motion. And we would need an opportunity to confer with our client before taking a final position on anything. Your one-business-day demand, and lack of clarity about what exactly you are seeking, makes that impossible.

Feel free to propose times over the next few days and we are happy to schedule a call to discuss.

Andrew Hatchett

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From: Steele, Angelica <astele@motleyrice.com>

Sent: Friday, April 5, 2024 4:15:07 PM

To: 'esi-opioids@quinnemanuel.com' <esi-opioids@quinnemanuel.com>; Optum Opioid Team <Optum.Opioid.Team@alston.com>; Boone, Brian <Brian.Boone@alston.com>; PEC-ESI-TEAM <PEC-ESI-TEAM@simmonsfirm.com>; 'pec\_optum@listserv.motleyrice.com' <pec\_optum@listserv.motleyrice.com>

Cc: Singer, Linda <lsinger@motleyrice.com>

Subject: 040524 Personal Jurisdiction Letter to Optum

EXTERNAL SENDER – Proceed with caution

Counsel,

Please see the attached correspondence.

Thank you,

[cid:image001.png@01DA8762.9C4DCC60]

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Executive Assistant

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